

NINETY-NINTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 119

Introduced by Schrock, 38

Read first time May 17, 2005

Committee:

PURPOSE: The Department of Natural Resources has jurisdiction over all dams in high hazard locations regardless of size or storage capacity and all other dams having a height of 25 feet or more or having a storage capacity of 50 acre-feet or more. The department insures that all jurisdictional dams are designed properly, taking into account downstream improvements which may directly impact on the assigned hazard classification of the dam and issues storage and use permits as appropriate. Nebraska has over 2,000 permitted dams built to the appropriate hazard classification at the time of construction with approximately 1,700 low-hazard dams, 250 significant hazard dams, and 100 high hazard dams. The construction of certain improvements, such as houses, businesses, roads, etc., downstream of existing dams can result in an upgrade of the hazard classification by the department if those improvements are in the area that would be flooded (breach inundation area) should the dam fail. Upgrading of the hazard classification by the department will result in an order to the owner of the dam requiring the owner of the dam to take "necessary action" to correct deficiencies and defects in order that the dam be operated and maintained in a

safe condition. The Natural Resources Committee of the Legislature should study this issue in conjunction with the department, natural resources districts, the Nebraska Association of County Officials, the League of Municipalities, and others to develop a solution to keep downstream improvements from being located in potentially hazardous locations downstream of existing dams.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.